

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Subsection (b)(212) of Section 7.50  
Title 14, California Code of Regulations  
Re: Sport Fishing Regulations, Yuba River, from Mouth to Englebright Dam

- I. Date of Initial Statement of Reasons: March 6, 2002
- II. Date of Pre-adoption Statement of Reasons: June 3, 2002
- III. Date of Final Statement of Reasons: June 26, 2002
- IV. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: March 8, 2002  
Location: San Diego
  - (b) Adoption Hearing: Date: June 20, 2002  
Location: South Lake Tahoe
- V. Update: No modifications were made to the originally proposed language of the Initial Statement of Reasons.
- VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those considerations:

Mr. Larry Munger, Chair, Sutter County Board of Supervisors; Mr. Dirk Helder, Mayor, City of Marysville; Mr. David H. Shirah, Vice Chair Business Retention and Expansion, Yuba-Sutter Chamber of Commerce; Mr. Chuck Wyllie, Chairman, Sutter County Fish and Game Advisory Commission; Mr. Bill Simmons, Chairman, Yuba County Water Agency; Mr. Lee Welch, Mayor, City of Yuba City and approximately 80 local citizens submitted letters in support of the proposed action to remove the restrictions on taking fall run chinook salmon below Daguerre Point Dam on the Yuba River. Mr. Steve Onken, Yuba County Water Agency and Mr. Ray McReynolds of Yuba City testified in support of the proposed changes at the Commission's June 20, 2002 adoption hearing.
- VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:

California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814
- VIII. Location of Department files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulatory Action: No alternatives were identified.
- (b) No change Alternative: If no change is adopted, local anglers and businesses will be impacted due to the lack of an opportunity to harvest salmon during a portion of the year.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:  
  
The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The regulation change may have a positive financial benefit on a small number of local businesses.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:  
  
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed change may have a positive financial effect on some local businesses.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

### **Updated Informative Digest (Policy Statement Overview)**

Current sport fishing regulations (Subsection (b)(212) of Section 7.50, Title 14, CCR), as adopted by the Commission at its December 7, 2001 meeting, for the Yuba River from the mouth to Englebright Dam, establish open fishing seasons, restrict gear to only artificial lures with barbless hooks, and do not allow the harvest of any salmon (only catch-and-release fishing for salmon). The proposed change would allow anglers to harvest daily up to two salmon from the mouth to Daguerre Point Dam between January 1 and February 28 and between August 1 and October 15.

As part of its regular review of the State's sport fishing regulations, the Commission adopted changes to the sport fishing regulations for the Yuba River at its December 7, 2001 meeting. The changes were intended to reduce incidental mortalities to steelhead by prohibiting the use of bait and to protect spring-run chinook salmon through fishing season closures and bag limit reductions.

As part of this regulatory process in the Fall of 2001, the Department proposed two regulatory alternatives which would provide these protections. The first was simplified and allowed no harvest of salmon (zero bag limit). The second was more complex but would have allowed the harvest of salmon below Daguerre Point Dam during specific times.

The Commission adopted the simpler regulation alternative as recommended by the Department.

It has now come to the Department's attention that the angling public in the local area may have been misinformed and/or confused regarding which alternative the Department was recommending for adoption. Some anglers thought they would retain the opportunity to harvest salmon during at least a portion of the year.

In order to provide the angling public with the opportunity to provide additional public comment and recommendations on this issue, this regulatory proposal is being renoticed. This way those who favor being able to keep salmon during the specified times of the year will be able to comment.

The Commission adopted the regulatory changes as proposed.

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
ADDENDUM TO FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Subsection (b)(212) of Section 7.50  
Title 14, California Code of Regulations  
Re: Sport Fishing Regulations, Yuba River, from Mouth to Englebright Dam

- I. Date of Addendum to Final Statement of Reasons: August 19, 2002
  
- V. Update: Seventy-seven letters submitted in support of the proposed action were inadvertently left out of the original file and are now added.

The Commission adopted the proposed regulations to provide increased recreational angling opportunities because they would not have a detrimental impact on spring-run Chinook salmon in the Yuba River. These specific changes were adopted to provide proper utilization of hatchery trout, hatchery steelhead and salmon and to provide for protection and conservation of spring-run Chinook salmon. The Commission complied with Section 220 of the Fish and Game Code in adopting these regulations.

Subsection (b)(212) of Section 7.50, Title 14, CCR, is amended to read:

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(212) Yuba River (Yuba and Nevada Cos.) from mouth to Englebright Dam.

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|--|---|---|
| (A) From mouth to <del>Highway 20 Bridge</del><br><u>Daguerre Point Dam.</u> | <del>All year.</del> <u>Jan. 1 through Feb. 28. Only artificial lures with barbless hooks may be used.</u>                                  | <u>1 hatchery trout or 1 hatchery steelhead**</u><br><u>0 <math>\frac{1}{2}</math> salmon</u> |
|  | <u>Mar. 1 through July 31. Only artificial lures with barbless hooks may be used.</u>   | <u>1 hatchery trout or 1 hatchery steelhead**</u><br><u>0 salmon</u>                          |
|  | <u>Aug. 21 through Oct. 15, 2002 and Aug. 1 through Oct. 15 in subsequent years. Only artificial lures with barbless hooks may be used.</u> | <u>1 hatchery trout or 1 hatchery steelhead**</u><br><u>2 salmon</u>                          |
|  | <u>Oct. 16 through Dec. 31. Only artificial lures with barbless hooks may be used.</u>  | <u>1 hatchery trout or 1 hatchery steelhead**</u><br><u>0 salmon</u>                          |
| (B) From <u>Daguerre Point Dam to Highway 20 Bridge.</u>                     | <u>All year. Only artificial lures with barbless hooks may be used.</u>   | <u>1 hatchery trout or 1 hatchery steelhead**</u><br><u>0 salmon</u>                          |
| (BC) From Highway 20 Bridge to Englebright Dam.                              | Dec. 1 through Aug. 31. Only artificial lures with barbless hooks may be used.  | 0   |

\*\*Hatchery trout or steelhead are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip.

NOTE: Authority cited: Sections 200, 202, 205, 215, 220, 240, 315 and 316.5, Fish and Game Code. Reference: Sections 200, 205, 206, 215 and 316.5, Fish and Game Code.